

IN THE UNITED DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**GARRY DANIELS, #130075**

**Plaintiff,**

**VS.**

**HERMAN MCCLAIN**

**Defendant**

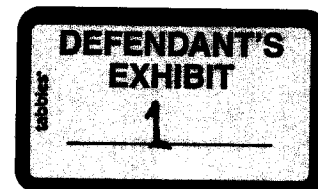
)  
)  
)  
)  
) **Civil Action No. 2:06 CV87-MEF**  
)  
)  
)  
)  
)

# AFFIDAVIT

Before me, the undersigned Notary Public, did personally appear Herman McClain, who being duly sworn, deposes and presents the following affidavit.

My name is Herman McClain and I am an individual over the age of twenty-one years. I am employed with the State of Alabama Department of Corrections at Ventress Correctional Facility, Clayton, Alabama. I am employed in this capacity as a Drug Program Supervisor. I have read the complaint in the above styled cause and note that inmate Garry Daniels, #130075 states that I used excessive force, made threatening statements and denied him food.

On January 22, 2006, I, Officer Herman McClain was assigned to Ventress Correctional Facility dining hall. I, Officer Herman McClain directed inmate Garry Daniels, #130075 to sit in order at the dining room table. Inmate Garry Daniels became hostile; saying, "Is this far enough?" Inmate Garry Daniel created a safety and security hazard. Officer Herman McClain ordered inmate Daniels to leave the dining hall. Inmate Garry Daniels had every opportunity to eat his



Page 2  
Affidavit – Herman McClain

diabetic tray, but instead chose to create a safety and security hazard in the dining hall. I, Herman McClain did not use any excessive force or any verbal threats toward Inmate Garry Daniels, #130075.

The beforementioned facts are true and correct to the best of my knowledge.

Herman McClain 2-24-06  
Herman McClain Date

State of Alabama )

Barbour County )

Sworn to and subscribed before me this 24<sup>th</sup> day of January, 2006.

Reba J Currie  
Notary Public  
My Commission Expires: 9-8-08

